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**UNITED STATES DEPARTMENT OF AGRICULTURE**  
**FOREST SERVICE**

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**STATE FORESTRY LAWS**

A parallel classification showing the comparative  
progress of each State in forestry legislation.

**OREGON**

(Serial 1—Through Reg. Sess., 1915)

Compiled in the Office of State Cooperation by Jeannie S. Peyton

**PURPOSE OF COMPILATION**

Information about the forestry laws of the various States, especially about those laws dealing with certain specific problems, is being demanded more and more; and requests for such information, coming from legislators, State administrative officers, forestry associations, forest schools, and other bodies and individuals, have led to the compilation, informally, of such State laws as bear more or less directly on the practice of forestry.

The purpose of the compilation, of which this serial is a part, is to make easy a comparative study of the laws of the different States and to further the development of practical forestry legislation. By the classification of the laws and parts of laws under the headings: "Administration," "Fires," "Public Forests," and "Taxation," the comparison is simplified, and the progress of each State, or lack of it, in these particulars is clearly shown.

The better to accomplish this educational aim, the great mass of timber and tree laws and those finer points of reference proper only to a legal or administrative manual have been omitted.

**PART I.—ADMINISTRATION.**

(This part comprises the provisions of law, if any, defining the general administrative duties of the regularly constituted State forestry officials; also certain miscellaneous forestry provisions. For specific provisions, if any, concerning administrative duties of these or other State officers in connection with forest fires, State and municipal forests and nurseries or other State lands, or forest taxation, see Parts II, III, and IV, respectively.)

SEC. 1, Ch. 278, L. 1911.

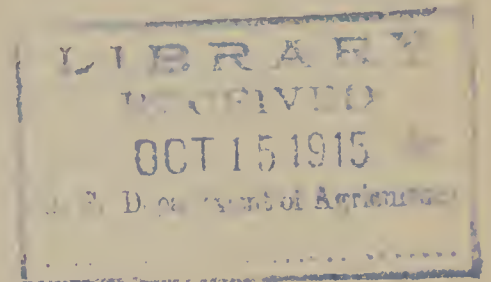
**State Board of Forestry: Personnel—Appointment—Powers and duties—Meetings.**—There shall be a State Board of Forestry, consisting of the Governor, the acting head of the Forest School of the Oregon Agricultural College, and five electors of the State of Oregon, to be appointed by the Governor from and upon the authoritative recommendation of the Oregon State Grange, the Oregon Forest Fire Association, the Oregon and Washington Lumber Manufacturers' Association and the United States Forest Service, and Oregon Wool Growers' Association,

each to select and name one of such electors. In the absence of such recommendation the Governor shall nevertheless appoint said electors. Said Board of Forestry shall supervise all matters of forest policy and management under the jurisdiction of the State, and approve claims for expenses incurred under the provisions of this act. The members of said Board shall receive no compensation for their services thereon but shall be entitled to actual traveling expenses which may be incurred in attending Board meetings.

Said Board shall meet at any convenient place in the State upon the call of the Governor or its secretary. A majority of said Board shall constitute a quorum.

SEC. 2.

**State Forester: Appointment—Qualifications—Term of service—Salary—Appointment by, of deputy—Expenses—Powers and duties, in general—Secretary to Board of Forestry—Report by—When deputy to act for.**—The State Board of Forestry shall





appoint a State Forester, who shall be a practical forester familiar with western conditions and experienced in organization for the prevention of forest fires. He shall hold office at the pleasure of said Board, who shall also have power to fix his compensation at not to exceed three thousand dollars (\$3,000) per annum. He shall be authorized and empowered to appoint a deputy whose salary shall be fixed by the State Board of Forestry at not to exceed eighteen hundred dollars (\$1800) per annum. He shall be allowed necessary office and contingent expenses, including clerical help, and he and his deputy shall be paid actual traveling and field expenses which may be incurred in the performance of their official duties. He shall, under the supervision of the State Board of Forestry, execute all matters pertaining to forestry within the jurisdiction of the State; appoint and instruct fire wardens as provided for in this act; direct the improvement and protection of State forest lands; collect data relative to forest conditions; take such action as is authorized by law to prevent and extinguish forest, brush, and grass fires; enforce all laws pertaining to forest and brush-covered land and prosecute for any violation of said laws; co-operate with land owners, counties or others in forest protection; advise and encourage re-forestation; and publish such information on forestry as he may deem wise. He shall act as secretary of the State Board of Forestry and prepare annually a report to the Governor on the progress and condition of State forest work, containing recommendations for improving methods of forest protection, management and reproduction within the State of Oregon. During the State Forester's absence or disability, all his authority shall be exercised by his deputy.

#### SEC. 17.

**County Boards of Commissioners: Appropriations by, for forest protection—Expenses incurred.**—County boards of commissioners may appropriate money for forest protection under the provisions of this act and expenses incurred by any county board of commissioners in accordance therewith shall be a proper county charge.

#### SEC. 18.

**Appropriation—Secretary of State to audit claims.**— \* \* \* The Secretary of State is hereby authorized and directed to audit all duly approved claims which have been incurred in pursuance of this act and the foregoing appropriation and to draw his warrant on the State Treasurer in the payment thereof out of the appropriation made by this act or other appropriation from which the same may be determined to be payable.

#### SEC. 20.

**Repeal.**—That Sections 5508, 5509, 5510, 5511, 5512, 5513, 5514, 5515, 5516, 5517, 5518, 5519, 5520, and 5521 of Lord's Oregon Laws are hereby repealed.

### PART II.—FIRES.

(This part comprises the general provisions of law, if any, concerning protection from forest fires. For localized provisions, if any, concerning protection of State-owned lands, see Part III.)

#### (1) PROTECTIVE SYSTEM.

(This subdivision comprises the provisions of law, if any, defining the personnel and the administrative duties of the State organization charged with the prevention, detection, control, and extinguishment of forest fires. For specific provisions, if any, concerning similar duties in connection with railroad fires, slash disposal, and fallow and other fires, see subdivisions (2), (3), and (4), respectively.)

#### SEC. 3, CH. 278, L. 1911.

**Fire wardens, special: Voluntary, or under private or county compensation—State and county officials to serve as—National Forest officers, *ex officio* wardens—Additional wardens; expenses of, how paid.**—Under such general policy as to qualifications, numbers, and localities as the State Forester shall deem wise, he shall appoint suitable and proper citizens fire wardens who shall have all the powers given to fire wardens under this act, but shall serve voluntarily or under compensation by property owners or counties. State and county officials whose duties make their *ex officio* services as fire wardens especially desirable as a convenience to the public, shall accept appointments as such when formally requested by the State Board of Forestry. Upon the recommendation of federal forest supervisors, the State Forester shall appoint resident officers of the national forest[s] *ex officio* fire wardens. In times or localities of particular fire danger, or to enforce the fire laws or apprehend and prosecute violators thereof, the State Forester shall have power to appoint and employ, either independently or jointly with other agencies, such additional fire wardens, and to furnish these such assistance and facilities for protecting life or property from fire, as he shall deem public safety demands, and unless contributed by other sources, the cost thereof shall be paid from the funds appropriated by this act, but each county in which such service is given shall be responsible for one-third the expense thus actually incurred and paid by the State for services within said county and upon demand by the State Treasurer shall pay the amount thus due into the State treasury, to be credited to the fund appropriated by this act.

#### SEC. 4.

**Fire districts—District fire wardens and wardens thereunder.**—The State Forester shall, with the advice of property owners or agents or counties desiring to co-operate in forest protection, designate suitable areas to be official fire districts. He may appoint for each district one or more district fire wardens to be paid as other fire wardens under this act and to serve until their appointments are revoked by their employers' request or by the State Forester for good cause shown. Upon written notice to the State Forester by the person or authority upon whose recommendation any other fire warden is appointed, said fire warden shall be subject to the direction of the proper district fire warden.

#### SEC. 6.

**Fire wardens: Powers and duties, in general—Arrests by—Penalty for failure to discharge duties.**—All fire wardens appointed under this act shall, under



instructions from the State Forester as to their exercise of State authority, take proper steps for the prevention and extinguishment of fires within the localities in which they exercise their functions, assist in apprehending and convicting offenders against the fire laws, control the use of fire for clearing land in the closed season as provided in Section 8 [7<sup>1</sup>] of this act, and make such reports of their work and conditions within their localities as may be requested by the State Forester. They shall have the power of peace officers to make arrests for violation of forest laws. They shall have power to enter upon the lands of any person or owner in the discharge of their duties; *provided*, that in so entering they shall exercise due care to avoid doing damage. Any fire warden who has information which would show, with reasonable certainty, that any person has violated any provision of the forest laws, shall immediately take action against the offender, either by using his own power as a peace officer or by making complaint before the proper magistrate, or by the filing of information with the district attorney, and shall obtain all possible evidence. Failure on the part of any fire warden receiving compensation to comply with the duties prescribed by this act shall be a misdemeanor and punishable by a fine of not less than twenty dollars (\$20), nor more than two hundred and fifty dollars (\$250), or by imprisonment in the county jail for not less than ten (10) days nor more than three (3) months, or both such fine and imprisonment.<sup>2</sup>

SEC. 1, CH. 90, L. 1913.

**County Judges, ex officio fire wardens—Duties, in general—Permits for burning slashings, brush, etc.—** That every county judge within the State of Oregon is *ex officio* a fire warden and shall have all the rights and powers and perform all the duties of a regularly appointed fire warden, within the boundaries of his county, as such rights, powers and duties are provided and defined by the General Laws of Oregon. Every such county judge is hereby authorized to issue and revoke permits for burning slashings, choppings, wood lands and brush lands between June 1st and October 1st of each year.<sup>3</sup>

SEC. 2.

**Notice to neighbors, under permits.—** Every person to whom such a permit is issued shall give at least twenty-four hours notice to each resident owner of adjoining lands of the time when he intends to set fire in accordance with his permit.

SEC. 1, CH. 247, L. 1913.

**Fire patrol: Owners of timber land to provide, when.—** Every owner of timber land in the State of Oregon shall furnish or provide a sufficient fire patrol there-

for, during the season of the year when there is danger of forest fires, which patrol shall meet with the approval of the State Board of Forestry.

SEC. 2.

**Fire patrol: State Forester to provide, when—Expense of, how paid.—** In case any owner or owners shall fail or neglect to provide such fire patrol, then the State Forester, under direction from the State Board of Forestry, shall provide the same at a cost not to exceed five (5) cents per acre per annum. Any amounts so paid or contracted to be paid by the State Forester, shall be a lien upon the property, and shall be reported by the State Forester to the county court of the county in which such lands are situated, and shall by such court be levied and collected with the next taxes on such lands in the same manner as taxes are collected. Said county court shall instruct the proper officer to extend the amounts on the assessment roll in a separate column, and the procedure provided by law for the collection of taxes and delinquent taxes shall be applicable thereto, and upon collection thereof, the county court shall repay the same to the State Forester to be applied to the expenses incurred in carrying out the provisions of this act.

SEC. 3.

**Timber land defined.—** For the purposes of this act, any land shall be considered timber land which has enough timber standing or down, to constitute, in the judgment of the State Board of Forestry, a fire menace to itself or adjoining lands.

SEC. 4.

**Residence in vicinity to constitute patrol.—** The owner of any land coming under the provisions of this act, who shall reside within one and one-half miles of said land, shall be considered, by virtue of said residence, to maintain a sufficient fire patrol, and shall not be compelled to maintain additional patrol on such land.

SEC. 5.

**Adequate fire patrol defined.—** For the purposes of this act, an adequate fire patrol shall be construed to mean one equal to that maintained by 50 per cent of timber owners in the same locality, or under similar conditions in other localities, who are in good faith patrolling their land against fire.

SEC. 16, CH. 278, L. 1911, AMENDED BY CH. 69, L. 1915.

**Penalty for destroying posted notices.—** Any person who shall wilfully destroy or injure any notice posted in compliance herewith shall be punished with a fine not less than ten dollars (\$10), nor more than fifty dollars (\$50), or by imprisonment for one day for each two dollars (\$2) of such fine imposed in case of his neglect or refusal to pay such fine.<sup>1</sup>

<sup>1</sup> See p. 5.

<sup>2</sup> For further provisions concerning damages, fines, and prosecutions for violations of this act (ch. 278, L. 1911), see secs. 13, 14, 15, on p. 6.

<sup>3</sup> See also sec. 7, ch. 278, L. 1911, on p. 7.

<sup>1</sup> For further provisions concerning damages, fines, and prosecutions for violations of this act (ch. 278, L. 1911), see secs. 13, 14, 15, on p. 6.



**(2) RAILROAD FIRES.**

(This subdivision comprises the provisions of law, if any, defining the responsibility of railroad and logging companies, the precautions to be taken by them, and their liability for damages occasioned in the operation and maintenance of their trains and rights of way; also provisions concerning the use of spark arresters and other safeguards on traction, thrashing, other portable and sawmill engines, and boilers.)

SEC. 10, CH. 278, L. 1911.

**Spark arresters on engines: Required, when—Penalty—Prima facie evidence—Injunction against further use.**—From June 1st to October 1st of each year it shall be unlawful for any person, firm or corporation, or employee thereof, to use or operate any locomotive, logging engine, portable engine, traction engine or stationary engine using fuel other than oil, in or near forest or brush land, which is not provided with an adequate spark arrester kept in constant use and repair. Any person, firm or corporation who shall wilfully fail to comply with the foregoing provisions of this section shall be guilty of a misdemeanor, and upon conviction thereof shall pay a fine for each engine or locomotive without such spark arrester of not less than twenty-five dollars (\$25), nor more than one hundred dollars (\$100), and shall be enjoined from further use of such engine or locomotive until such spark arrester is provided. Escape of fire from any engine shall be *prima facie* evidence that such appliance has not been adequately maintained in compliance with this section. Upon proof that any prosecution has been instituted under this section by any fire warden, any court of competent jurisdiction shall enjoin the further use of the engine involved, unless equipped and maintained in compliance with this section to the satisfaction of said fire warden, until the defendant has been acquitted of the charge preferred.<sup>1</sup>

SEC. 11.

**Burning of slashings, and clearing of rights of way by corporations and others—Penalty—Action by forest officers.**—(For text of these provisions, see this section on this page.)

SEC. 6984, LORD'S OREGON LAWS, 1910.

**Rights of way: Mowing.**—The right of way of all railroads in the State of Oregon east of the Cascade mountains shall be mowed each year between the first day of June and the first day of July. [L. 1909, ch. 150, sec. 1.]

SEC. 6985.

**Rights of way: Upon failure to mow, action by adjacent owners—Collection of cost.**—If any railroad company or corporation owning or operating a railroad over said right of way shall neglect or refuse to cause their right of way to be mowed as provided in the foregoing section any person occupying or owning the land adjoining the

said right of way may, after said first day of July, cause the portion of said right of way adjoining said land, occupied or owned by such person, to be mowed, and shall receive for such work the reasonable value thereof, to be fixed by the county judge, who shall certify to the value of such work, and said certificate shall be filed with the county clerk, and the said certified bill shall be charged to said company and collected for said person in the same manner and at the same time as general taxes are collected. [L. 1909, ch. 150, sec. 2.]

**(3) SLASH DISPOSAL.**

(This subdivision comprises the provisions of law, if any, for slash disposal after lumbering and other cutting operations.)

SEC. 5, CH. 278, L. 1911.

**Public nuisance: When forest or cut-over land with inflammable material on it constitutes—Action by State Forester.**—Any and all inadequately protected forest or cut-over land adjoining, lying near, or intermingled with other forest land and covered wholly or in part by inflammable debris or otherwise likely to further the spread of fire, which by reason of such location or condition or lack of protection endangers life or property, is hereby declared to be a public nuisance and whenever the State Forester shall learn thereof he shall notify the owners or persons in control or possession of said land, requesting them to take proper steps for its protection and advising them of means and methods to that end.

SEC. 7.

**Slash disposal: Closed season—Permit required—Penalties.**—(For text of these provisions, see this section on p. 5.)

SECS. 1, 2, CH. 90, L. 1913.

**Slash disposal during closed season: County Judges may issue and revoke permits—Notice to neighbors under such permits.**—(For text of the provisions, see these sections on p. 3.)

SEC. 11, CH. 278, L. 1911.

**Burning of slashings, and clearing of rights of way—Penalty—Action by forest officers.**—All persons, firms or corporations engaged in logging, or permitting logging upon their lands, in this State, shall each year, burn their annual slashings, by which is meant the tops and inflammable refuse left after lumbering, that may carry fire or cause it to spread, at such time and in such manner and with such provision of help as will confine the fire to their own lands, and if such burning is done between June 1 and October 1 shall first cut down all dead trees or snags over twenty-five (25) feet high. Builders of trails, roads, or railroads in this State shall immediately destroy or remove all inflammable material resulting from constructing or clearing for such improvements unless prevented under the provisions of Section 8 [7] of this act.

<sup>1</sup> For further provisions concerning damages, fines, and prosecutions for violations of this act (ch. 278, L. 1911), see secs. 13, 14, 15, on p. 6.

<sup>1</sup> See p. 5.



Any person, firm, or corporation operating a railroad in this State with coal or wood fuel shall annually, or when so directed by the State Board of Forestry, and in a manner and to an extent directed by said Board, destroy or remove all inflammable material from the right of way of said railroad. All burning under the provision of this section shall be in accordance with the provisions of Section 8 [7<sup>1</sup>] of this act. Refusal or neglect to comply with the provisions of this section shall be punished by a fine of not less than one hundred dollars (\$100), nor more than one thousand dollars (\$1,000) for each offense; *provided*, that the State Forester, with the consent of the Board of Forestry, may suspend the restrictions or [of] this section when and where he deems public safety so permits or requires. *It is further provided*, that in the absence of such suspension, and in case of refusal or neglect by any person or persons at fault, after proper notice, to take the precautions against fire required by this section, the State Forester, or district fire warden acting with his consent, may have the work done to the extent he deems requisite to public safety, and the cost thereof and the expense of any fire patrol rendered necessary by the delay shall be recoverable from the offender by action for debt.<sup>2</sup>

#### (4) FALLOW AND OTHER FIRES.

(This subdivision comprises the provisions of law, if any, concerning the burning of fallow, brush, etc., by farmers, and the general setting of fires to woods by hunters, fishermen, and others.)

SEC. 5, CH. 278, L. 1911.

**Forest or cut-over land with inflammable material on it: When a public nuisance—Action by State Forester.**—(For text of these provisions, see this section on p. 4.)

SEC. 7.

**Burning woodland, brush land, slashings, etc.: Closed season for—Permits required, conditions of—Penalties—Governor may suspend permits—Open season for hunting suspended, when.**—During the period between June 1st and October 1st, which is hereby designated the closed season, it shall be unlawful for any person or persons to set on fire, or cause to be set on fire, any slashing, chopping, woodland or brush land, either his or their own or the property of another, without written or printed permission from a fire warden<sup>3</sup> and compliance with the terms thereof which shall prescribe the conditions upon which the permit is given and which are necessary to be observed in setting such fire and to prevent it from spreading so that life or property of another may be endangered thereby. This restriction shall not apply to the burning of log piles, stumps or brush heaps, in small quantities, under adequate precautions and personal control, and in accordance with any regulations which may

be adopted by the State Board of Forestry for the purpose of insuring public safety; but if any such burning without permission shall result in the escape of fire and injury to the property of another, this shall be held *prima facie* evidence that such burning was not safe and was a violation of this section. Violation of these provisions shall be punished by a fine of not less than twenty-five dollars (\$25), nor more than five hundred dollars (\$500), or by imprisonment of not less than ten (10) days nor more than three (3) months.<sup>1</sup> Permits to burn, as provided by this section, may be issued by any fire warden, and shall contain such safeguarding restrictions as to time of burning and precaution to be taken as may be fixed by the State Forester or left by him to the discretion of fire wardens. Any fire warden shall have the right to refuse, revoke or postpone permits when necessary to prevent danger to the life or property of another. Any permit obtained through wilful misrepresentation shall be invalid and give no exemption from liability of any kind. In times and localities of unusual fire danger, the Governor, with the advice of the State Forester, may suspend any or all permits or privileges authorized by this section and prohibit absolutely the use of fire herein mentioned. Whenever, or wherever, during an open season for the hunting of any kind of game in this State, it shall appear to the Governor upon the showing of the State Forester that by reason of extreme drought the use of firearms or fire by hunters is liable to cause forest fires, he may by proclamation, suspend the open season and make it a closed season for the shooting of wild birds and animals of any kind for such time as he may designate, and during the time so designated all provisions of law relating to closed seasons for game shall be in force.

SEC. 8.

**Setting on fire woods, brush, etc., on lands of another: Penalties—Back fires—Camp fires.**—Any person who sets on fire, or causes to be set on fire, any woods, brush, grass, grain, stubble, or other material being or growing on any lands not his own, without permission from the owner, or who wilfully or negligently allows fire to escape from his own land, or any one who accidentally sets any fire on his own land or another's and allows it to escape from his control without extinguishing it, or using every effort to do so, shall be punished by a fine of not less than fifty dollars (\$50), nor more than one thousand dollars (\$1,000), or imprisonment for not less than one (1) month nor more than one (1) year; *provided*, that it shall be lawful to build, in a careful manner, camp fires on any uninclosed lands, the owner of which has not forbidden such building of camp fires thereon by personal notice or by posting such prohibition in conspicuous places or otherwise, if, before departing from the place which [where] such camp fire has been built, the builder of such fire totally extinguishes the same; *and provided further*, that nothing in this section

<sup>1</sup> See sec. 7, this page.

<sup>2</sup> For further provisions concerning damages, fines, and prosecutions for violations of this act (ch. 278, L. 1911), see secs. 13, 14, 15, on p. 6.

<sup>3</sup> See also secs. 1, 2, ch. 90, L. 1913, on p. 3.

<sup>1</sup> For further provisions concerning damages, fines, and prosecutions for violations of this act (ch. 278, L. 1911), see secs. 13, 14, 15, on p. 6.



shall apply to the setting of a back fire, in good faith, to prevent the progress of a fire then burning.<sup>1</sup>

#### SEC. 9.

**Camp fires—Incombustible gunwadding—Penalties.**—Any person who builds a camp fire upon lands within this State, not his own, without clearing the ground immediately around it free from material which will carry fire, or who leaves thereon a camp fire burning and unattended, or who permits a camp fire to spread thereon, or who uses in any firearms discharged thereon other than incombustible gunwadding, shall be punished by a fine of not less than twenty-five dollars (\$25), nor more than five hundred dollars (\$500), and upon refusal or neglect to pay the fine and costs imposed shall be imprisoned for a period not to exceed one day for every two dollars (\$2.00) thereof, or may be subject to both such fine and imprisonment at the discretion of the court.<sup>1</sup>

#### SEC. 12.

**Setting fire to woods, brush, etc., to injure property of another—Penalty.**—Any person who shall unlawfully or maliciously set fire to any woods, forest, timber, brush or vegetable matter whatever with intent that the property of another shall be injured thereby, shall be guilty of a felony, and upon conviction thereof shall be punished by imprisonment in the State Penitentiary for not less than one (1) nor more than ten (10) years.<sup>1</sup>

#### SEC. 13.

**Civil action for fire losses: Measure of damages—Injury to young growth, etc., and cost of fire-fighting included.**—In addition to the penalties provided in this act, the United States, State, county, or private owners, whose property is injured or destroyed by fires in violation of this act, may recover in a civil action double the amount of damages suffered if the fires occurred through wilfulness, malice or negligence; but if such fires were caused or escaped accidentally or unavoidably, civil action shall lie only for the actual damage sustained as determined by the value of the property injured or destroyed, and the detriment to the land and vegetation thereof. Persons or corporations causing fires by violations of this act shall be liable in action for debt to the full amount of all expenses incurred in fighting such fires.

#### SEC. 14.

**Fines: One-half to informant, when—Payment of, into county fund.**—Any person not employed and compensated as a fire warden who shall detect any one violating any of the provisions of this act, and shall furnish information leading to the arrest and conviction of such person, shall, upon his conviction, receive one-half of the fine paid by such person so convicted, otherwise all fines imposed under this act, less the cost of collection, shall go into the general fund of the county in which conviction is had.

<sup>1</sup> For further provisions concerning damages, fines, and prosecutions for violations of this act (ch. 278, L. 1911), see secs. 13, 14, 15, on this page.

#### SEC. 15.

**Prosecutions: Duties of district attorneys and justices of the peace—Penalties.**—Whenever an arrest shall have been made for violation of any provision of this act, or whenever any evidence which shows with reasonable certainty any such violation shall have been lodged with him, the district attorney for the county in which the criminal act was committed must prosecute the offenders with all diligence and energy. If any district attorney shall fail to comply with the provisions of this section he shall be guilty of a misdemeanor, and upon conviction shall be fined not less than one hundred dollars (\$100), nor more than one thousand dollars (\$1,000), in the discretion of the court. Prosecution against the district attorney shall be conducted by the Attorney General. The penalties of this section shall apply to any justice of the peace, with proper authority, who refuses or neglects to issue a warrant for the arrest of any person or persons when complaint under oath of violation of any terms of this act has been lodged with him.

SEC. 1978, LORD'S OREGON LAWS, 1910.

**Setting fire to prairie, etc.—Penalty.**—If any person shall maliciously or wantonly set on fire any prairie or other grounds, other than his own or those of which he is in the lawful possession, or shall wilfully or negligently permit or suffer the fire to pass from his own grounds or premises, to the injury of another, such person, upon conviction thereof, shall be punished by imprisonment in the county jail not less than three months nor more than one year or by fine not less than \$50 nor more than \$500 [B. and C. sec. 1823.]

### PART III.—PUBLIC FORESTS.

(This part comprises the provisions of law, if any, for the establishment and care of State and municipal forests and nurseries, and for the practice of forestry on these and on other lands owned by the State.)

#### (1) STATE FORESTS.

(For other provisions, if any, concerning State forests and nurseries, see Part I.)

CH. 124, L. 1913.

**Preamble.**—WHEREAS, it appears that the State is about to secure from the federal government, through an exchange of certain of its school sections, a compact body of timbered lands in the Santiam national forest; and

WHEREAS, it is the desire that said tract be set aside as a State forest and administered for the permanent good of the State and its educational institutions, and the revenue derived therefrom turned into the common school fund of the State:

*Be it enacted by the People of the State of Oregon:*

#### SEC. 1.

**National Forest lands patented to State for State forest, withdrawn from sale for 50 years.**—That any lands now in the National forests selected by, and patented to, the State for the purpose of establishing a State forest shall be withdrawn from sale for a period of 50 years.



## SEC. 2.

**State Forest: Management—Resources devoted to common schools—State School of Forestry, authority and privileges of, within.**—It shall be the duty of the State Forester, under the supervision of the State Board of Forestry and the regulations which it may and is hereby authorized to prescribe from time to time, to manage, control and protect said State forest in a manner to secure its highest permanent usefulness to the whole people of the State of Oregon and particularly to the common schools to which its resources are devoted. The State Board of Forestry shall also, as occasion demands, delegate to the State School of Forestry such authority and privileges within said forest, covering its entire area or portions thereof as may be necessary as [or] may be desirable in order to utilize said school's technical facilities in the administration of the forest or to afford its students practical forestry experience, demonstration or experiment.

## SEC. 3.

**State Forest: Sales of forest products—Leases for mining, water-power, etc.—Conservation of maximum revenue—Receipts to common school fund.**—Whenever it shall appear for the best interest of the State and not contrary to the purpose for which the lands were acquired, the State Board of Forestry may, on terms most advantageous to the State, secured by ample advertisement and effort to obtain competitive bids, sell forest products on State forest lands, or make and execute leases, for periods in no case exceeding the fifty-year period during

which said lands are withdrawn from sale, for the mining and removal of any valuable minerals in said lands or for the development and utilization of water power or desirable occupancies or privileges thereon; *provided*, that in any disposal of products or privileges the first consideration shall be the care, maintenance and perpetuation of the tract's forest productivity as a source of maximum permanent revenue and that such disposal and its contractual provisions for safeguarding said ends shall be submitted to the acting head of the State School of Forestry for suggestions and shall have the approval of the State Forester. All receipts from the State forest shall be paid into the common school fund of the State.

## (2) OTHER STATE LANDS.

(Laws which provide merely for the protection of State lands other than State forests from fire and from timber and other forms of trespass, and for the sale of timber and other forest products therefrom, are not included because their intent is not one of forestry.)

## (3) MUNICIPAL FORESTS.

## PART IV.—TAXATION.

(This part comprises the provisions of law, if any, covering the classification and taxation of forested lands and lands to be forested, the purpose of which is to encourage the practice of forestry by private owners; also such bounty and exemption laws as have a like purpose. For similar taxation provisions, if any, concerning State or municipal forests, or other State lands, see Part III.)

